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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,156	11/19/2001	Toru Owada	TSM-17	8169

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EXAMINER

BROWN, CHRISTOPHER J

ART UNIT PAPER NUMBER

2134

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,156

Applicant(s)

OWADA ET AL.

Examiner

Christopher J. Brown

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/15/2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments filed 12/15/2005 have been fully considered but they are not persuasive.

The main argument the applicant makes in regards to claims 2-4, 8, 9, 11, and 12 is that only a part of the data content is encrypted so that only part of the image and/or sound content of the file is seen or heard but the entire content of the data file may not be seen or heard. The applicant however does not state this in the claims. The claims state "encryption process on a part of digital content in meaning, by using encryption key...".

The examiner must read the claims with the broadest reasonable interpretation. The current state of the claims may be interpreted meaning that a "part" could be encrypting a range anywhere from a packet of the content, to all of the content. Thus the examiner has relied on references that encrypt all of the content, which is in the interpreted range.

Applicant's arguments with respect to Hoffman US 6,324,288 and claims 5, 6, 13 and 14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicant has amended all of the claims to include the terms “meaning” and “in a manner”. It is unclear what the applicants intention is using these terms. The terms appear to have no patentable weight and do not further define the claims in order to advance the status of the application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by

Graunke US 2003/0005285.

As per claims 1-4, and 10, Graunke teaches a distribution system for media, [0013].

Graunke teaches digital content distributing system having digital content and encrypting it with a first shared key with a processing apparatus, [0014], [0016], [0028]. Graunke teaches decrypting the data at a processing apparatus and reencrypting the data with a second shared key with the output device, [[0020], [0021], [0028]. Graunke teaches the output device decrypts and displays the digital content. [0028].

As per claim 7, Graunke teaches the output unit is a sound reproducing unit, and the data is encrypted audio data, [0014], [0021]

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graunke US 2003/0005285 in view of Meffert US 2002/0059144.

As per claims 5, 6, 13, and 14, Graunke teaches a distribution system for media, [0013]. Graunke teaches digital content distributing system having digital content and encrypting it with a first shared key with a processing apparatus, [0014], [0016], [0028]. Graunke teaches decrypting the data at a processing apparatus and reencrypting the data with a second shared key with the output device, [[0020], [0021], [0028]. Graunke teaches the output device decrypts and displays the digital content. [0028]. Graunke teaches distributing a variety of content [0014]. Graunke fails to teach an encrypted file with an unencrypted portion.

Meffert teaches encrypting a content file while leaving a portion unencrypted, [0101], [0102], [0103], Fig 6.

It would have been obvious to one of ordinary skill in the art to include Meffert's unencrypted portion to identify the file and find information on how to obtain it.

Claims 8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graunke US 2003/0005285 in view of Van Eck US 4,669,117.

As per claims 8 and 11, Graunke teaches encrypting video [0014]. Graunke fails to teach encrypting by line or column.

Van Eck teaches encrypting video by line, (Col 1 lines 56-60, Claim 3).

It would have been obvious to one of ordinary skill in the art to combine the video of Graunke by column so that the output device would be protected against illicit looting at the display, (Van Eck Col 1 lines 50-54).

Claims 9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graunke US 2003/0005285 in view of Virga US 5,321,749.

As per claims 9 and 12, Graunke teaches encrypting video [0014]. Graunke fails to teach encrypting by pixel.

Virga teaches encrypting video by pixel, (Col 10 lines 40-46).

It would have been obvious to one of ordinary skill in the art to encrypt the video of Graunke by the pixel method of Virga because the encrypted pixels obfuscate the video.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

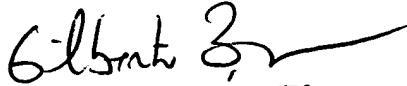
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher J. Brown

2/11/06

cjb


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